

Remarks/ Arguments

Upon entry of the foregoing amendments, Claims 1 to 17 are pending in the present patent application. Claims 10 to 17 are provisionally withdrawn with traverse in response to the restriction requirement.

Discussion of Election/Restriction Requirement Pursuant to 35 U.S.C. § 121

The Action requires Applicants to elect one of the following allegedly patentably distinct inventions for examination:

- Group I: Claims 1-9 drawn to a method of purifying a volatile metal hydride, classified in class 423, subclass 244.01.
- Group II: Claims 10-16 drawn to a volatile metal hydride, classified in class 75, subclass 255.
- Group III: Claim 17 drawn to a system for producing a purified volatile metal hydride, classified in class 266, subclass 171.

The Examiner has requested that Applicants make an election for those claims to be examined. In response, the Applicants has provisionally elected the claims in Group I, Claims 1-9, with traverse for continued prosecution. As a result of this provisional election, Applicants are withdrawing the claims in Groups II and III but reserving their rights under 35 USC § 121 to file a divisional application and/or request rejoinder for the non-elected claims.

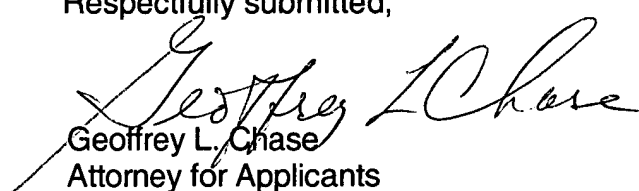
Applicants respectfully traverse the restriction requirement on the following basis. If the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP §803. Applicants respectfully submit that there would be no serious burden on the Patent Office to examine in this application all of the present claims, because the subject matter of these claims is sufficiently related, such that a search of the claims in any one Group would encompass a search for the subject matter of the other Groups. The examination of Groups I, II and III would **not** present an undue burden on the Examiner because a search for a purified volatile metal hydride would yield references that detail the methods and the systems of **how** to purify a volatile metal hydride. Thus, searching Groups I, II and III together should not pose an undue burden on the Examiner. Accordingly, reconsideration and withdrawal of the restriction requirement are requested respectfully.

In addition, Applicant asserts that the examiner's recitations of distinctness are merely conclusory and do not address the specifics of the method claims, the apparatus claims and the composition claims. All of these claims have common features that make them non-distinct to one another. These common features are not addressed by the examiner's merely conclusory statements of distinctness, and in fact, these common features rebut the conclusion of distinctness. For these additional reasons, Applicant respectfully requests reconsideration and removal of the restriction requirement and examination of all the claims in the current case.

Specifically, Claim 10 is a product by process claim containing the limitations of the method of Claim 1. Claim 17 is an apparatus claim containing the comparable limitations of Claim 1(a), (b) and (c) and Claim 10 (a), (b) and (c), but configured in apparatus language using the "adapted" transitional phrase to include those features in Claim 17. It is not reasonable to make a merely conclusory statement about distinctness regarding the method, composition and apparatus claims in view of these specific claim features that are common to all three independent claims. Therefore, Applicant respectfully disagrees with the examiner's analysis and/or lack of analysis in alleging the basis for the restriction requirement.

Should the Examiner require any further information, the Examiner is invited to contact Applicants' undersigned Attorney at the telephone number listed below.

Respectfully submitted,



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